

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-16 are pending in the present application. No claims have been added, amended or canceled by the present amendment.

In the outstanding Office Action, claims 1, 5 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kim et al. in view of Gupta et al.; claims 2-4, 6, 7, 12 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kim et al. in view of Gupta et al. and Kelkar et al.; and claims 8-10 and 14-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kim et al. in view of Gupta et al., Kelkar et al. and Mihara.

Claims 1, 5 and 11 stand rejected under 35 U.S.C. 103(a) as unpatentable over Kim et al. in view of Gupta et al. This rejection is respectfully traversed.

It is respectfully noted Gupta et al. has a filing date of June 25, 2001, which is later than the date of the claimed foreign priority Korean Application P2000-85014 filed on December 29, 2000. Accordingly, an English translation of the claimed Korean priority application to remove Gupta et al. as a valid reference will be filed in due course. Further, Applicants respectfully submit the subject matter recited in the present application is fully supported by the claimed Korean priority application. In addition, it is respectfully noted Gupta et al. merely teach dynamically adjusting a data rate capacity of an allocated radio channel upwards or downwards based on an observed communication error (see column

[0048], for example). However, Gupta et al. do not teach or suggest the features of the claimed invention nor the combinations thereof.

Therefore, it is respectfully submitted independent claims 1, 5 and 11 and each claims depending therefrom are allowable and the rejections noted in the Office Action have been overcome.

Further, the specification has been amended to correct a minor informality. No new matter has been added.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David A. Bilodeau**, at the telephone number listed below.

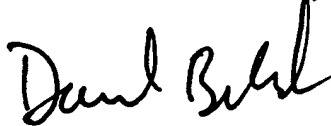
In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Serial No. 10/029,253  
Reply to Office Action of February 24, 2005

Docket No. K-0381

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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